

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SANTA ANA REGION**

In the matter of:)	Complaint No. 01-72
)	for
O.C. Alphanetics, Inc.)	Administrative Civil Liability
21102 West Chestnut Avenue)	
Santa Ana, CA 92703)	
<u>Attention: Mr. Francisco Lopez</u>)	

YOU ARE HEREBY GIVEN NOTICE THAT:

1. You are alleged to have violated provisions of law for which the California Regional Water Quality Control Board, Santa Ana Region (hereinafter Board), may impose liability under Section 13385 of the California Water Code.
2. A hearing concerning this Complaint will be held before the Board within sixty days of the date of issuance of this Complaint. The hearing in this matter will be scheduled for the Board's regular meeting on July 20, 2001 at the City Council Chambers, City of Corona, California. You or your representative will have an opportunity to appear and be heard, and to contest the allegations in this Complaint and the imposition of civil liability by the Board. An agenda for the meeting will be mailed to you not less than 10 days prior to the hearing date.
3. At the hearing, the Board will consider whether to affirm, reject or modify the proposed administrative civil liability or whether to refer the matter to the Attorney General for recovery of judicial civil liability.
4. The O.C. Alphanetics, Inc., facility located at 2102 West Chestnut Ave, Santa Ana, California (hereinafter facility), is currently regulated under the State's General Permit for Storm Water Discharges Associated with Industrial Activities, Water Quality Order No. 97-03-DWQ, NPDES No. CAS000001 (General Permit). The facility's WDID Number is 830S003767.
5. O.C. Alphanetics, Inc., is alleged to have violated Provisions A.1, A.2, B.3 and, C.1 of the General Permit. O.C. Alphanetics failed to properly develop and implement an effective Storm Water Pollution Prevention Plan (SWPPP) and Monitoring and Reporting Requirements and discharged pollutants to the storm drain system from its facility. Pursuant to Water Code Section 13385 (a)(2), civil liability may be imposed for the preceding violations.

6. On March 28, 2001, Regional Board staff (staff) initiated a compliance inspection of the facility. Contact was made with Mr. Nhan Tran, the environmental coordinator for the facility. Mr. Tran was requested to produce the SWPPP and Monitoring Plan for the facility, but no such documents could be produced at that time. During the physical inspection of the facility, it was noted that Best Management Practices (BMPs) designed to prevent the commingling of hazardous wastes and other pollutants with storm water and non-storm water runoff were inadequate and multi-colored stains were observed throughout the facility. Major breaches and installed drains were observed in the secondary containment BMPs. In addition, there was evidence that unauthorized non-storm water had recently been discharged to the storm swale located in the alley just south of the facility. Mr. Tran was told that unauthorized, non-storm discharges are strictly prohibited by the General Permit and he was requested to immediately remedy the aforementioned problems.
7. On March 29, 2001, staff performed a follow-up inspection. Prior to the inspection, staff observed a significant amount of wash water discharging to the alley located just south of the facility. Staff took several water and soil samples at that time. Analytical results of the runoff at this location indicated the presence of copper, lead, and zinc at elevated concentrations and a pH value well below the EPA benchmark range. The discharge flowed approximately two miles through a high-density residential area, before it had commingled with other flows and entered a storm drain catch basin inlet.
8. Staff then met with Mr. Francisco Lopez, President of O.C. Alphanetics, Inc. The prohibition on unauthorized, non-storm water discharges was repeated to Mr. Lopez. Mr. Lopez stated that they were just cleaning up the facility in preparation to repair the breaches in the secondary containment BMPs. Again, staff requested a copy of the facility's SWPPP, but neither Mr. Lopez nor Mr. Tran was able to produce the plan and both seemed uncertain that one had even been prepared.
9. The facility has operated under the name "O.C. Alphanetics, Inc." since 1992. The business manufactures printed circuit boards. A review of the past annual reports submitted by O.C. Alphanetics, Inc., shows that:
 - a) The analytical results indicate that the runoff from the site had consistently high levels of specific conductance; and,
 - b) In the past four (4) annual reports, the company certified that they had reviewed the SWPPP to assure that it addressed existing potential pollutant sources, structural and non-structural BMPs; and that it contained an updated site map, a spill response plan, employee training procedures and logs, and monitoring procedures. At the time of these inspections, it appears that no SWPPP had been prepared.
10. The General Permit states that storm water runoff shall not cause pollution, contamination, or nuisance and it prohibits most discharges of non-storm water.

Further, the General Permit requires that storm water discharges to any surface water body shall not adversely affect human health or the environment. O.C. Alphanetics, Inc., violated the General Permit by not developing and effectively implementing BMPs, discharging un-authorized, non-storm water containing pollutants, discharging pollutants in storm water, and by failing to report discharges in violation of the General Permit.

11. Section 13385(a)(2) provides that any person who violates waste discharge requirements shall be civilly liable. Section 13385 (c) provides that civil liability may be administratively imposed by a regional board in an amount not to exceed ten thousand dollars (\$10,000) for each day the violation occurs. Additional liability, not to exceed \$10 per gallon, may be imposed for each gallon discharged in excess of 1,000 gallons.
12. The amount of wash water containing elevated concentrations of pollutants discharged to the storm drain system on March 29, 2001 is unknown, but did not substantially exceed 1,000 gallons.
13. Pursuant to Section 13385(c), O.C. Alphanetics, Inc. is civilly liable in the amount of \$20,000 (\$10,000 per day for 2 days of violations) for the violations cited in Paragraphs 7 and 8. The total maximum liability for the violations on March 28, 2001 and March 29, 2001 is \$20,000.
14. Regional Board staff spent a total of 6 hours investigating this incident (@\$70/hr, the total cost for staff time is \$420). O.C. Alphanetics, Inc. saved approximately \$3,000 by not developing a site specific SWPPP and \$5,000 by not implementing adequate BMPs throughout the facility and by not providing employees with adequate training. These factors were considered in assessing the penalty indicated in Paragraph 14, below.
15. Section 13385 (e) specifies factors that the Board shall consider in establishing the amount of civil liability. After consideration of those factors, the Executive Officer proposes civil liability be imposed on O.C. Alphanetics, Inc. by the Board in the amount of \$20,000 for the violations cited above.

WAIVER OF HEARING

You may waive your right to a hearing. If you choose to do so, please sign the attached waiver form and return it, together with a check or money order payable to the State Water Resources Control Board for the amount of civil liability proposed under Paragraph 15, above, to:

Santa Ana Regional Water Quality Control Board
3737 Main Street, Suite 500
Riverside, CA 92501-3339

If you have any questions, please contact Mark Smythe at (909) 782-4998, or Aaron Buck, at (909) 782-4469. For legal questions, contact the Regional Board's staff counsel, Ted Cobb at (916) 341-5171.

6-22-01
Date


Gerard J. Thibeault
Executive Officer

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<u>Attention: Francisco Lopez</u>)	

WAIVER OF HEARING

I agree to waive the right of O.C. Alphanetics, Inc., to a hearing before the Santa Ana Regional Water Quality Control Board with regard to the violations alleged in Complaint No. 01-72. I have enclosed a check or money order, made payable to the State Water Resources Control Board, in the amount of \$20,000. I understand that I am giving up O.C. Alphanetics, Inc.'s right to be heard and to argue against allegations made by the Executive Officer in this complaint, and against the imposition of, and the amount of, the liability proposed.

Date

O.C. Alphanetics, Inc.